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EXAMINER

ALBERTALLI, BRIAN LOUIS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,832	Applicant(s) STOOPS ET AL.	
	Examiner BRIAN L. ALBERTALLI	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the rejection(s) of claim(s) 1-25 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Maes (U.S. Patent 7,418,382).
2. Additionally, the amendments to claim 25 overcome the rejections under 35 U.S.C. 101 made in the previous Office Action. The rejection to claim 25 under 35 U.S.C. 101 has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7, 8, 13, 14, 16-22, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Maes (U.S. Patent 7,418,382).

In regard to claim 1, Maes discloses a signal processor (processors, column 2, lines 34-36) configured to receive a token selected based upon a composite grammar (a

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user utters a command to access a particular link in an application which is interpreted using a “skeleton”, column 9, lines 49-55), the composite grammar including multiple levels of a menu hierarchy for a plurality of applications (the skeleton captures all portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24), wherein the token corresponds to an entry point for one of the plurality of applications (the skeleton allows a user to jump between applications, column 9, lines 30-39), and configured to access the respective application at the entry point by directly at a level of a menu hierarchy of the plurality of applications upon receipt of the token (the skeleton further allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

In regard to claim 2, Maes discloses the signal processor is configured to exit a previous application without receiving an exit instruction from a subscriber (the user jumps directly to another dialog without issuing an exit command, column 9, lines 30-39).

In regard to claim 3, Maes discloses the signal processor is configured to receive a responsive data file from a level of the respective application corresponding to the entry point and configured to transmit the data file to a telephony server (if there is a matching link in the skeleton, the corresponding dialog link is downloaded by a

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conversational browser running on a telephony server, column 9, lines 55-59 and column 11, lines 57-62).

In regard to claim 4, Maes discloses a telephony server (conversational browser located on a remote telephony server, column 5, lines 17-22) configured to receive a modulated signal correlative to an audio command (a spoken command to activate a particular link, column 9, lines 49-55), to analyze the modulated signal to identify a constituent of a root grammar, to select the token corresponding to the constituent, and to transmit the token to the signal processor (the skeleton includes constituents of a “root grammar”, e.g. “politics”, “business”, “weather”, “sport”, etc., see CML file at column 5, line 50 to column 6, line 19; thus the spoken commands may activate root grammar links, column 9, lines 55-61).

In regard to claim 5, Maes discloses a communications system (Fig. 1), comprising:

a telephony server (conversational browser located on a remote telephony server, column 5, lines 17-2) configured to receive a modulated signal correlative to an audio command (a spoken command to activate a particular link, column 9, lines 49-55), to analyze the modulated signal to identify a constituent of a composite grammar (the command is interpreted using a “skeleton”, column 9, lines 49-55), the composite grammar comprising inputs corresponding to each of a plurality of applications, and to select a token corresponding to the constituent (the skeleton captures all portions of

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dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24); and

a browser module configured to acquire the token and to access an entry point for one of a plurality of applications based upon the token directly at a level of a menu hierarchy of the plurality of applications (the skeleton allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 55-65; see also column 7, lines 1-4).

In regard to claim 7, Maes discloses the browser module is configured to receive a responsive data file from a level of the respective application corresponding to the entry point and configured to transmit the data file to the telephony server (a site corresponding to the requested link is downloaded to the browser, column 9, lines 55-59).

In regard to claim 8, Maes discloses the responsive data file comprises at least one of an audio file, a text file, a video file, and a multimedia file (the browser includes a TTS engine for converting received text files to speech for output to the user, column 4, lines 6-13).

In regard to claim 13, Maes discloses the root grammar comprises at least two of a voice mail application grammar, a help application grammar, a conference call application grammar, a news application grammar, a weather application grammar, a

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financial application grammar, a scheduling application grammar, a mapping application grammar, and a database application grammar (weather, business, etc., see CML file at column 5, line 50 to column 6, line 19).

In regard to claim 14, Maes discloses a unified interface server configured to generate at least one root grammar included within the composite grammar (the skeleton captures all portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24; this includes “root grammar” constituents, e.g. “politics”, “business”, “weather”, “sport”, etc., see CML file at column 5, line 50 to column 6, line 19).

In regard to claim 16, Maes discloses a method for accessing an application, the method comprising the acts of:

processing a signal in first processing hardware to identify an audio code as a constituent of a composite grammar (a user utters a command to access a particular link in an application which is interpreted using a “skeleton”, column 9, lines 49-55), the composite grammar comprising constituents from a plurality of applications (the skeleton captures all portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24); and

accessing an entry point in second processing hardware of one of the plurality of applications based upon the constituent of the composite grammar, wherein the entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of

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applications (the skeleton further allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

In regard to claim 17, Maes discloses sending a data file to a user, wherein the data file is generated in response to accessing the entry point (a site corresponding to the requested link is downloaded to the browser, column 9, lines 55-59).

In regard to claim 18, Maes discloses accessing the entry point comprises transmitting an indicator to the respective application that the audio code was identified in the processed signal (if there is a matching link in the skeleton, the corresponding dialog link is downloaded by a conversational browser running on a telephony server, column 9, lines 55-59 and column 11, lines 57-62).

In regard to claim 19, Maes discloses a tangible computer-readable medium (column 2, lines 37-42), comprising:

programming instructions stored on the computer-readable medium for processing a signal to identify an audio code as a constituent of a composite grammar (a user utters a command to access a particular link in an application which is interpreted using a "skeleton", column 9, lines 49-55), the composite grammar comprising constituents from a plurality of applications (the skeleton captures all

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portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24); and

programming instructions stored on the computer-readable medium for accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar, wherein the entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of applications (the skeleton further allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

In regard to claim 20, Maes discloses programming instructions stored on the computer-readable medium for receiving a data file from the entry point in response to accessing the entry point (a site corresponding to the requested link is downloaded to the browser, column 9, lines 55-59).

In regard to claim 21, Maes discloses programming instructions stored on the computer-readable medium for sending the data file to a telephony server (a site corresponding to the requested link is downloaded to the browser, column 9, lines 55-59).

In regard to claim 22, Maes discloses programming instructions for accessing the entry point transmit a token to the respective application that the audio code was identified (the skeleton allows the user to jump into the middle of a particular dialog for a

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particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

In regard to claim 24, Maes discloses a method for manufacturing a tangible computer medium (implementation in a computer readable medium inherently requires storing programming instructions on the computer readable medium, column 2, lines 34-51), the method comprising the acts of:

storing programming instructions for identifying an audio code as a constituent of a composite grammar on a computer-readable medium (a user utters a command to access a particular link in an application which is interpreted using a “skeleton”, column 9, lines 49-55), wherein the composite grammar comprises constituents from a plurality of applications (the skeleton captures all portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24); and

storing programming instructions for accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar on the computer-readable medium (the skeleton allows a user to jump between applications, column 9, lines 30-39), wherein the entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of applications (the skeleton further allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

In regard to claim 25, Maes discloses a method for manufacturing telephony system (implementation as a processor inherently requires encoding a signal processing device with programming code, column 2, lines 34-51), the method comprising the act of:

encoding at least one signal processing device with code programmed to identify an audio code as a constituent of a composite grammar (a user utters a command to access a particular link in an application which is interpreted using a "skeleton", column 9, lines 49-55; the skeleton captures all portions of dialog that would otherwise require a user to navigate through the dialog to activate that portion of the dialog, column 8, lines 14-24) and programmed to access an entry point directly at a level of a menu hierarchy of one of a plurality of applications based upon the constituent of the composite grammar (the skeleton allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 59-65; see also column 7, lines 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes, in view of Denenberg et al. (U.S. Patent 7,158,936).

In regard to claim 6, Maes discloses each application comprises at least one entry point which may be accessed by a corresponding token (the skeleton allows the user to jump into the middle of a particular dialog for a particular application, column 9, lines 30-39 and lines 55-65; see also column 7, lines 1-4).

Maes do not disclose a plurality of application servers, wherein each application server is configured to execute at least one of the plurality of applications.

Denenberg et al. disclose a communications system for accessing voice applications wherein applications are hosted on separate application servers, wherein each server is configured to execute at least one of the plurality of applications (Fig. 1, application servers 14, column 2, line 61 to column 3, line 13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Maes to host each application on a separate server, because this would allow each application to be separately updated/maintained without needing to take other applications offline. Additionally, this would allow independent application vendors to provide and maintain their own applications.

In regard to claims 9 and 10, Maes does not disclose a mobile switching center or cell tower.

Denenberg et al. disclose a communications system for accessing voice applications wherein the user can access the voice pages through a mobile telephone 20 using cell tower 24 configured to generate an initial modulated signal in response to electromagnetic waves received via at least one antenna (column 2, line 61 to column

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3, line 13). Furthermore, the mobile telephone system disclosed by Denenberg et al. connects to the PSTN, thus would inherently require the necessary mobile switching center configured to transmit the modulated signal to the telephony server required to interface with the PSTN.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Maes to include a mobile switching center and cell tower, because this would allow a user to access the voice applications on a mobile phone from any location.

7. Claims 11, 12, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes, in view of Neuberger et al. (U.S. Patent Application 2004/0153322).

In regard to claim 11, Maes does not specifically disclose a public switched telephone network configured to transmit the modulated signal to the telephony server.

Neuberger et al. disclose a public switched telephone network configured to transmit the modulated signal to the telephony server (Fig. 2, PSTN 16, paragraph 0021).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Maes to include a public switched telephone network configured to transmit the modulated signal to the telephony server, because this would allow a user to connect to the voice applications from any standard telephone line.

In regard to claim 12, Maes discloses the composite grammar (skeleton) comprises a markup language (conversational markup language, column 5, lines 35-38), but does not specifically disclose the composite grammar comprises a VoiceXML grammar.

Neuberger et al. disclose a composite grammar comprises a VoiceXML grammar (VoiceXML form level grammars, paragraph 0040).

It would have been obvious to one of ordinary skill in the art at the time of invention to substitute VoiceXML grammars for conversational markup language, because VoiceXML is a well-known, standardized language that would allow interoperability with many vendors.

In regard to claim 15, Maes does not disclose the unified interface server is further configured to generate one or more main menu applications associated with the plurality of applications.

Neuberger et al. disclose a unified interface server that is configured to generate one or more main menu applications associated with the plurality of applications (a grammar analyzer in user interface 42 creates a multi-level grammar, including main menu choices such as messages, settings, and greetings, paragraphs 0025 and 0026 and Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Maes to generate one or more main menu applications associated with the plurality of applications, because this would provide the user with a set of

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options to choose from when first connecting to the voice service, thus aiding first time users, etc.

In regard to claim 23, Maes discloses the composite grammar (skeleton) comprises a markup language (conversational markup language, column 5, lines 35-38), but does not specifically disclose the composite grammar comprises a VoiceXML grammar.

Neuberger et al. disclose a composite grammar comprises a VoiceXML grammar (VoiceXML form level grammars, paragraph 0040).

It would have been obvious to one of ordinary skill in the art at the time of invention to substitute VoiceXML grammars for conversational markup language, because VoiceXML is a well-known, standardized language that would allow interoperability with many vendors.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Monday-Thursday, 8 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 10/22/09
/Brian L Albertalli/
Examiner, Art Unit 2626